

**Workers' Compensation Insurers' Task Force
Sept. 16, 2015**

Members present

James Heer (for Julie Olson)
Michael Johns
Margaret Kasting
Stacy Kohlhofer
Nancy Ross
Gary Westman

Members absent

Mary Abraham
Robert Farber
Robert Johnson
Claire McCoy
Steve Patton
Susan Pilon
Robert Rangel
Ryan Shaughnessy
Cori Wentzlaff
Cindy Van Eyll

Visitors and staff members present

Kate Berger
John Brothen
Karen Clayton-Ebert
Kathy Hanson
Chris Leifeld
Mark McCrea
Ken Peterson
Jessica Stimac
Jim Vogel
Lisa Wichterman
Laura Zajac
Christine Zimmer

Call to order

The meeting was called to order at 9:07 a.m. by Co-chairman Gary Westman. Announcements and introductions were made.

Approval of the agenda

Meg Kasting moved to accept the agenda as presented. Stacy Kohlhofer seconded, all approved. Motion passed.

Approval of the minutes

Meg Kasting also moved to accept the March 18, 2015, meeting minutes as presented. Stacy Kohlhofer seconded, all approved. Motion passed.

New business

Department/legislative update

Commissioner Ken Peterson gave a presentation involving the agency's legislation on the following topics: DRGs, electronic funds transfer, e-billing, system modernization and opioid rules. This full presentation can be found at www.dli.mn.gov/Summit/Pdf/peterson_legislative_rules_update.pdf.

ICD-10 implementation – Lisa Wichterman

A handout of the adopted rules governing the workers' compensation conversion of ICD-9-CM to ICD-10-CM codes was provided; Lisa Wichterman gave an overview. These rules will go into effect Oct. 1, 2015. The new codes are more descriptive and specific to injury. The CMS and AAPC websites offer helpful tools to translate these codes.

Opioid rules – Lisa Wichterman and Kate Berger

The rules about the long-term use of opiates as modified were approved by the Administrative Law Judge June 9, 2015, and were filed with the Secretary of State on June 22, 2015. The Notice of Adoption was published in the *State Register* July 6, 2015. The effective date of the rules was July 13, 2015. The document can be viewed at www.comm.media.state.mn.us/bookstore/stateregister/40_01.pdf.

Case law update – Kate Berger, Jessica Stimac and Karen Kask-Meinke

Handouts were provided about the Sumner case and Kate Berger gave an overview about the potential legislative issue with regard to the recent Supreme Court decision. It now requires all intervenors to be present at Office of Administrative Hearings hearings when decisions are made. This has a dramatic impact on many state departments, including the Department of Labor and Industry and the Department of Human Services. There are also many private intervenors that are affected, including hospitals, insurers and others. It is impossible for them to be at every hearing, so we will be working with all the parties involved to come up with some new proposed language.

A Motion/Application to Intervene form was provided and discussed with the group, to include language for an intervenor to appear by telephone at prehearing conferences (i.e. settlement, pretrial).

Copies of the Ekdahl and Hartwig decisions, plus drafts of letters from DLI to payers impacted by these decisions, were disseminated to the group. Kate Berger gave a summary of the decisions and what that means to the department and others affected. Karen Kask-Meinke and Jessica Stimac talked to the group about the draft letters that will be sent as a result of this decision.

FROI – EDI transmissions – FAQs, common errors, challenges

Due to the time, Jim Vogel recommended this item be tabled until the next Workers' Compensation Insurers' Task Force meeting and the group concurred.

Reports/meeting schedule

- The most recent edition of *COMPACT* is online at www.dli.mn.gov/WC/Compact.asp.
- The WCITF meeting schedule, agenda and approved minutes are online at www.dli.mn.gov/wcitf.asp.
- The 2016 meeting schedule is: March 16, May 18, Sept. 21 and Nov. 16, 2016.

Adjournment

The meeting was adjourned 10:47 a.m.

Respectfully submitted,

Carrie Rohling

Executive Secretary